

Message

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Subject: News Articles (For EPA Distribution Only)

BNA.COM ARTICLES



Containers of Roundup, a weed killer made by Bayer, are displayed for sale at a Home Depot Inc. store in the Brooklyn borough of New York, on Dec. 30, 2011.

Photographer: Victor J. Blue/Bloomberg via Getty Images

News

Monsanto Roundup Trials May Lead to More Local Regulation

Posted March 22, 2019, 3:53 PM

- Growing number of cities banning or restricting use of Roundup
- Preponderance of evidence suggests glyphosate is safe to use

The same day that a federal jury found that Monsanto's Roundup herbicide was a "substantial factor" in causing a California man's cancer, Los Angeles County placed a moratorium on the use of Roundup by county employees.

The county joined more than 50 cities and counties, including [Miami](#), Chicago, Minneapolis, and Vancouver, that have recently banned or restricted glyphosate, the active ingredient in Roundup.

Despite conflicting scientific evidence about Roundup's toxicity, environmental groups are pointing to the March 19 verdict involving Edwin Hardeman as proof the tide is turning against the herbicide.

"I think there's a lot of residential areas, urban areas, and neighborhoods that are watching this case and saying we need to pass more resolutions at the city or county level," said Jennifer Sass, a senior scientist with the Natural Resources Defense Council.

Another jury reached a similar conclusion about Roundup last year when it awarded \$289 million to Dewayne Johnson, a Northern California groundskeeper. The amount was later reduced to \$78 million. Bayer plans to appeal the verdict.

"We saw a significant uptick in local ordinances after the Dewayne Johnson trial," said Kara Cook-Schultz, toxics director for U.S. PIRG, a federation of public interest research groups.

Precedent for Action

In the 1991 case *Wisconsin Public Intervener vs. Mortier*, the Supreme Court held that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) doesn't preempt local governments from issuing their own regulations on pesticide use.

This includes everything from establishing buffer zones and setting conditions of use, to banning a pesticide outright.

“Harm often leads to regulatory changes, as we saw with dicamba in Arkansas, or chlorpyrifos in Hawaii,” said Patti Goldman, an attorney with Earthjustice, an environmental advocacy organization based in San Francisco.

Arkansas banned the use of dicamba on crops in 2018 after the state’s Plant Board received nearly 1,000 complaints of crop damage caused by drift. Starting in Jan. 2019, Hawaii became the first state to ban pesticides containing chlorpyrifos, citing concerns over brain development in children.

Swayed by the Jury

But some regulators say rules themselves shouldn’t be based on jury verdicts.

“I don’t think the fact that a jury may award damages in and of itself is a reason for states to tighten regulations,” said Tina Levine, a former director of the Health Effects Division in the Environmental Protection Agency’s Office of Pesticide Programs.

More important, said Levine, is to consider the full weight of the evidence based on the data.

“As regulators we’re often called to testify, or weigh in on public policy,” said Cary Giguere, the agrochemical program manager for Vermont’s Agency of Agriculture.

“Sometimes our job is to also point out the unintended consequences of changing one chemistry for another,” he said. “I still believe glyphosate is one of the preferred active ingredients available.”

Second Trial Phase

Hardeman’s case is the first of 765 similar cases collected before U.S. District Judge Vince Chhabria in San Francisco. Liability and potential damages will now be decided by the same jury in a second trial phase that began on March 20.

Hardeman’s case against glyphosate is the first of three so-called bellwether, or test trials, used in mass litigation to help both sides assess damages and possible settlement expectations.

Bayer AG—which purchased Monsanto in 2018—said it was disappointed with the jury’s decision, “but we continue to believe firmly that the science confirms that glyphosate-based herbicides do not cause cancer,” the company said in March 19 statement.

“We are confident the evidence in phase two will show that Monsanto’s conduct has been appropriate and that the company should not be liable for Mr. Hardeman’s cancer,” it said.

Safety Debate

The latest verdict comes amid a longstanding debate about the safety of glyphosate, which nearly all of the world’s regulators, including the EPA, Health Canada and the [European Chemicals Agency](#), have registered for use. Bayer points to some 800 studies submitted to EPA that show glyphosate-based herbicides are safe when used as directed.

But in 2017, California’s Office of Environmental Health Hazard Assessment posted a notice under the Proposition 65 right-to-know law that glyphosate would be added to a list of more than 1,000 chemicals known to the state to cause cancer. The state cited a controversial [2015 study](#) conducted by the World Health Organization’s International Agency for Research on Cancer (IARC).

Manufacturers of glyphosate like BASF, Syngenta, and DowDuPont are likely to face increased pressure to warn consumers of the health risks of their products in the wake of the Hardeman verdict, some scientists say.

Environmental groups and some politicians cite the recent lawsuit as proof of the need for more health restrictions.

“It’s long past time we stopped relying on corrupt corporations with a profit incentive to fund science telling us their chemicals are ‘safe,’” Rep. Tulsi Gabbard (D-Hawaii), a 2020 presidential candidate, said in a March 22 [tweet](#).

“Victims shouldn’t have to go to trial to get the truth.”

<https://news.bloombergenvironment.com/environment-and-energy/monsanto-roundup-trials-may-lead-to-more-local-regulation>

EPA Releases Previously Private Health Data on Pigment (1)

By Pat Rizzuto

Posted March 22, 2019, 4:07 PM Updated March 22, 2019, 5:45 PM

Previously confidential details on the health effects associated with exposure to a paint pigment were [released](#) by the EPA March 22 following pressure from Democratic legislators and environmental health advocacy groups.

INSIDEEPA.COM ARTICLES

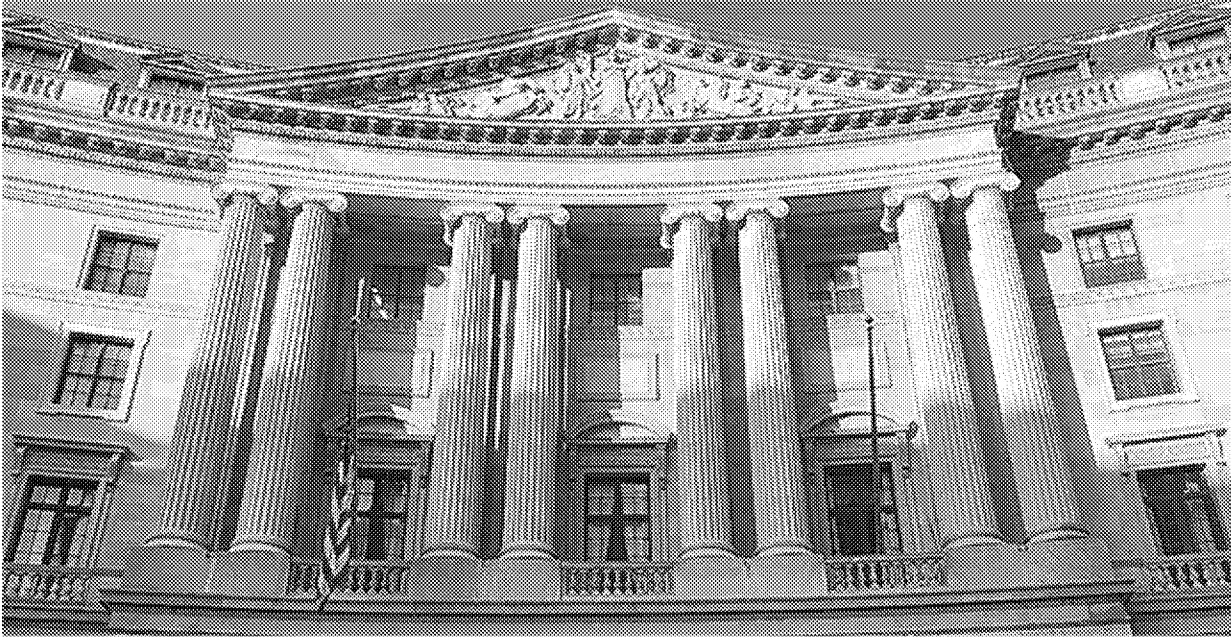
EPA ‘Lean’ Office Chief Leaving But Contentious Efficiency Plan Continues

Serena McIlwain, director of the EPA Office of Continuous Improvement (OCI) that aims to streamline agency operations, is leaving for a state government job after less than a year in the position, but the Trump administration’s contentious plan to use “Lean” techniques and other steps to improve EPA’s operation efficiency continues.

GREENWIRE ARTICLES

Judge tosses challenge to advisory panel membership policy

[Sean Reilly](#), E&E News reporter



EPA headquarters in Washington. Kevin Bogardus/E&E News

This story was updated at 4:55 p.m. EDT.

Published: Friday, March 22, 2019

For the second time this year, a federal judge has squelched a legal challenge to EPA's contentious membership policy for its scientific advisory committees.

In a **decision** issued late yesterday, senior U.S. District Judge William Pauley threw out a lawsuit filed by the Natural Resources Defense Council on the grounds that the environmental group lacked the legal standing to contest EPA's ban on service by agency grant recipients.

In his decision, Pauley, based in the Southern District of New York, acknowledged the ban's potentially far-reaching implications. "Whatever the merits of these challenges, however, this court's determination is narrow — only that this plaintiff has not demonstrated that it is the proper party to challenge the agency action."

Pauley's decision comes a little more than a month after a federal judge in Washington, D.C., dismissed a separate lawsuit brought by Physicians for Social Responsibility and former committee members (*E&E News PM*, Feb. 12). While a third suit is pending in federal court in Massachusetts, the odds are increasing that the EPA policy will endure at least through the end of President Trump's current term in January 2021.

NRDC now has until late May to decide whether to appeal. "We continue to believe that there are serious problems with the actions taken with respect to EPA's science advisory committees, and we are considering our next steps," Jon Devine, director of federal water policy in the NRDC's nature program, said in an emailed statement this morning. EPA is reviewing the decision and is "pleased the court granted our motion," a spokesman said in a separate message.

Under the directive imposed by then-EPA Administrator Scott Pruitt in October 2017, active EPA grant recipients are generally barred from serving on any of the agency's 22 federal advisory committees. The policy also set loose goals for promoting membership turnover and representation from all parts of the country.

As E&E News reported last fall, EPA had by that point not consistently enforced the ban on service by grant recipients (*Greenwire*, Sept. 21, 2018). But Pruitt and his successor, Andrew Wheeler, have used it to help recast two key panels — the Clean Air Scientific Advisory Committee and the Science Advisory Board — with their own appointees.

As grounds for the prohibition, Pruitt had said it was needed to ensure advisory committee members' "objectivity" when weighing agency policies. Critics noted, however, that he evinced no such concerns about members' independence from businesses with stakes in EPA decisions.

In its lawsuit, filed three months after Pruitt announced the new policy, NRDC alleged that 30 of the Science Advisory Board's 44 members had "some affiliation with regulated industries." Backing the environmental group were California and nine other Democratic-leaning states. In a friend-of-court brief filed last year, they noted that Pruitt exempted employees of state agencies from the ban but added that researchers at state universities had "either been removed from service on EPA advisory committees or have been compelled to relinquish their grants."

EPA attorneys argued that the NRDC lacked the standing to challenge the policy, meaning the group had failed to show that it or its members had suffered an injury that could be addressed through court action.

In its filings, NRDC countered that some members faced the loss of professional opportunities because they either could not pursue EPA grants or would be barred from serving on advisory committees; the group also said that Pruitt's directive was "arbitrary and capricious because it creates a broad prohibition with no support or reasoning to justify the exclusion."

In yesterday's decision, Pauley focused on the bedrock test of standing. Ultimately, he wrote, the group had failed to show that any possible harm to its members was sufficiently "imminent" to meet that test.

Citing a ruling in a separate suit, Pauley wrote: "In this court's view, these injuries to the NRDC's members are more akin to those in cases where a supposedly potential bidder had 'no concrete plans' or 'no specific project.'"

The third challenge to the EPA membership policy was also brought early last year by the Union of Concerned Scientists and a now-former member of the Clean Air Scientific Advisory Committee in U.S. District Court for the District of Massachusetts. EPA lawyers have raised the standing issue there as well in seeking to have the suit dismissed. As of this morning, Judge F. Dennis Saylor had not ruled, online court records indicate.

<https://www.eenews.net/greenwire/2019/03/22/stories/1060128065>

Federal oversight of toxics under bipartisan scrutiny

Courtney Columbus, E&E News reporter



At least two hearings this week will focus on EPA's oversight of chemicals. Billy Hathorn/Wikipedia

Published: Monday, March 25, 2019

A duo of hearings this week will scrutinize the administration's approach to chemicals oversight and its plans to remedy claims of contamination.

The House Science, Space and Technology Subcommittee on Environment will review EPA's Integrated Risk Information System program, which assesses the health hazards posed by chemicals.

This week's planned hearing follows a Government Accountability Office report on IRIS released earlier this month.

The report found that from June to December 2018, agency leaders directed employees to stop the program's chemical assessments while priorities were being discussed (*E&E News PM*, March 4).

New Jersey Democratic Rep. Frank Pallone, who chairs the House Energy and Commerce Committee, last week criticized EPA's list of 40 chemicals to be considered for risk evaluations under the 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act.

EPA released the list Wednesday. Public health advocates slammed the agency, while the chemicals sector reacted positively (*Greenwire*, March 20).

"With the announcement of the next set of candidate substances for prioritization, EPA met another important milestone and further demonstrated its commitment to meeting its statutory deadlines for implementing [the statute] in an efficient manner that is consistent with congressional intent," American Chemistry Council spokesman Jonathan Corley said in a statement.

Pallone said the list "raises serious concerns that EPA is failing to prioritize evaluations of the most pressing chemical hazards and undermining the purpose of the Lautenberg Act."

"Instead of addressing dangerous emerging threats like perfluorinated chemicals, which are right now contaminating the drinking water of millions of Americans, the agency is aiming to re-evaluate chemicals like formaldehyde and phthalates — whose risks have already been rigorously evaluated and documented," he continued.

PFAS hearing

Separately, the Senate Environment and Public Works Committee is set to examine the federal response to per- and polyfluoroalkyl substances (PFAS), which are of concern to lawmakers from both parties.

After EPA released a plan last month for dealing with PFAS, Environment and Public Works Chairman John Barrasso (R-Wyo.) said the plan was "only a first step" and that the agency needed to "speak clearly" about the public health and environmental risks posed by PFAS (*Greenwire*, Feb. 14).

Officials from EPA, the National Institutes of Health, the Centers for Disease Control and Prevention, and the Department of Defense are scheduled to testify.

PFAS are used in firefighting foam and a wide range of other consumer and industrial products. They have been detected in water near many current and former industrial sites and military installations, and are not federally regulated.

There are roughly 5,000 types of PFAS. Some have been associated with health problems such as certain cancers and liver disease.

Lawmakers have sent a flurry of letters in recent days that press the federal government to act more quickly on PFAS.

Last week, Senate Homeland Security and Governmental Affairs Chairman Ron Johnson (R-Wis.) and ranking member Gary Peters (D-Mich.) **asked** Office of Management of Budget Director Mick Mulvaney about reports that disagreement between agencies was delaying EPA groundwater cleanup recommendations for two types of PFAS called perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). The guidelines have been under review for more than six months, noted the lawmakers.

"Given the significance of this issue, it is essential that [OMB's Office of Information and Regulatory Affairs] resolve any remaining interagency conflicts and conclude its review as soon as possible," Johnson and Peters wrote.

The senators asked Mulvaney for information including documents and communications related to the review that were exchanged between OMB and the Department of Defense, EPA, the Small Business Administration or NASA.

The Pentagon has been urging the administration to adopt weaker standards for cleaning up PFAS in groundwater, *The New York Times* reported earlier this month.

Also last week, a group of senators led by New Hampshire Democrats Jeanne Shaheen and Maggie Hassan wrote to EPA Administrator Andrew Wheeler and acting Defense Secretary Patrick Shanahan, urging them to "act in the best interests of affected communities and support efforts to develop groundwater and drinking water standards that will protect the public from the health hazards associated with PFAS contamination."

Schedule: The House hearing is Wednesday, March 27, at 10 a.m. in 2318 Rayburn.

Witnesses:

- Jennifer Orme-Zavaleta, principal deputy assistant EPA administrator for science for the Office of Research and Development and EPA science adviser.
- Alfredo Gomez, director, natural resources and environment, Government Accountability Office.
- Bernard Goldstein, professor emeritus and dean emeritus, University of Pittsburgh Graduate School of Public Health.
- Ivan Rusyn, professor, Department of Veterinary Integrative Biosciences, Texas A&M University; chairman, Interdisciplinary Faculty of Toxicology, Texas A&M; and director, Texas A&M Superfund Research Center.
- Julie Goodman, principal, Gradient.
- Wilma Subra, president, Subra Co., and technical adviser, Louisiana Environmental Action Network.

Schedule: The Senate hearing is Thursday, March 28, at 10 a.m. in 406 Dirksen.

Witnesses:

- Linda Birnbaum, director, National Institute of Environmental Health Sciences, National Institutes of Health, and director, National Toxicology Program, Department of Health and Human Services.
- Patrick Breyse, director, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, Centers for Disease Control and Prevention.
- David Ross, assistant administrator, EPA Office of Water.
- Maureen Sullivan, deputy assistant secretary of Defense for environment, Department of Defense.

<https://www.eenews.net/eedaily/2019/03/25/stories/1060128137>

Spending fights will dominate the week

George Cahlink, E&E News reporter



Lawmakers this week will begin hearings on the president's fiscal 2020 budget. Disaster spending legislation is also on the agenda. @USGPO/Twitter (budget); Architect of the Capitol/Flickr (dome); NASA (Hurricane Michael)

Published: Monday, March 25, 2019

Congress this week will try to make headway on a multibillion-dollar disaster relief package and is set to spar over energy and environmental funding priorities.

Aside from partisan bickering over the Mueller report and the Green New Deal, much of the floor and committee work this week will focus on spending.

The Senate is due to vote tomorrow on calling up disaster aid legislation that would provide relief to farmers and victims of recent wildfires and other calamities over the past two years.

While there is generally bipartisan support for providing relief, Senate Democrats and Republicans have yet to settle on the size and scope of the legislation. Discussions are ongoing, and the debate could consume the Senate this week.

"We are looking for a finite list [of needs], we haven't gotten one yet, it keeps growing," said Senate Appropriations Chairman Richard Shelby (R-Ala.) before last week's recess.

Shelby suggested a Democratic push for a broader package was holding things up. But he also said he wants to be sure there is enough aid for victims of the tornadoes that recently devastated a swath of Alabama and Georgia.

The GOP itself has sent mixed signals on disaster relief. Seven Senate Republicans late last month introduced a \$13.6 billion plan, which would provide funding to both states and U.S. territories for recent natural disasters and has White House backing (*E&E Daily*, March 6). An earlier GOP plan that would have only offered \$12.8 billion in aid seems to have been sidelined.

Democrats favor a \$14.2 billion House-backed bill. It would provide more agricultural assistance than the competing Republican plans.

Senators will move to the disaster measure after voting on Bridget Bade to serve on the 9th U.S. Circuit Court of Appeals. Action on the Green New Deal is also expected (*see related story*).

Tax extenders

Senate tax writers have also eyed the disaster package as a vehicle for extending an assortment of expired energy incentives.

"If they could put extenders on that, it would be a good thing," Senate Finance Chairman Chuck Grassley (R-Iowa) told E&E News before last week's recess.

Legislation offered last month by Grassley and Finance ranking member Ron Wyden (D-Ore.) would extend more than two dozen expired breaks for efficiency, biofuels and alternative vehicles retroactively for 2018 and through the end of this year (*E&E News PM*, Feb. 28).

That tax bill went directly on the Senate calendar, bypassing the Finance Committee and allowing Majority Leader Mitch McConnell (R-Ky.) to bring it up for a vote when he pleases.

But Grassley expects that the House will move first on extenders because of the constitutional requirement that revenue bills originate in that chamber.

It may be an uphill fight to attach tax issues to the disaster package. House Democrats have yet to reveal their plans for moving extenders, which Grassley said could include other tax issues that have bipartisan support.

Furthermore, House Democrats have signaled they want tax extensions to be paid for in compliance with pay-as-you-go budgeting rules — a move Grassley opposes.

Budget fights

Partisan fights over fiscal 2020, agency funding levels and broader goals for combating climate will play out in Senate and House committees this week.

The Senate Budget Committee will mark up its fiscal 2020 budget resolution Wednesday and Thursday. With an eye toward deficit reduction, the nonbinding **blueprint** would cut mandatory spending by more than \$500 billion over the next five years and largely freeze non-defense domestic spending.

In recent years, Senate budget resolutions have rarely reached the floor. Instead, Budget Committee markups have offered a venue for both parties to offer amendments that highlight their broad policy goals.

Democrats, led by ranking member Bernie Sanders (I-Vt.), are likely to offer provisions that would press for more spending on environmental programs.

The budget plan leaves room for adding billions of dollars in unspecified revenue from energy exploration on federal lands.

Democrats will likely try to undo those proposals. Both sides could also put forth language related to the Green New Deal

The House Budget Committee is expected to mark up its own budget document next week.

House and Senate appropriators will hold hearings this week with agency leaders that will likely highlight discontent with the administration's call for spending cuts at the Energy and the Interior departments.

Energy Secretary Rick Perry will appear before House appropriators tomorrow and Senate appropriators Wednesday.

House appropriators will hear from Scott Cameron, principal deputy assistant secretary of the Interior for policy, management and budget. Democrats will press him on the president's desire to cut the agency's \$13 billion budget by \$1.6 billion.

Schedule: The House Appropriations subcommittee hearing on the National Science Foundation budget is Tuesday, March 26, at 9:30 a.m. in H-309 Capitol.

Witness: France Córdova, director, National Science Foundation.

Schedule: The Senate Armed Services hearing on the Army budget is Tuesday, March 26, at 9:30 a.m. in G-50 Dirksen.

Witnesses: Army Chief of Staff Gen. Mark Milley.

Schedule: The House Appropriations subcommittee hearing on the Energy budget is Tuesday, March 26, at 10 a.m. in 2362-B Rayburn.

Witness: Energy Secretary Rick Perry.

Schedule: The House Appropriations subcommittee hearing on Office of Management and Budget spending is Tuesday, March 26, at 10 a.m. in 2362-A Rayburn.

Witness: Acting Office of Management and Budget Director Russell Vought.

Schedule: The House Armed Services Committee hearing on the Defense budget is Tuesday, March 26, at 10 a.m. in 2118 Rayburn.

Witnesses:

- Gen. Joseph Dunford, chairman of the Joint Chiefs of Staff.
- Patrick Shanahan, acting secretary of Defense.

Schedule: The House Appropriations Committee hearing on the Interior budget is Tuesday, March 26, at 10:30 a.m. in 2008 Rayburn.

Witness: Scott Cameron, Interior principal deputy assistant secretary for policy, management and budget.

Schedule: The House Transportation, Housing and Urban Development Appropriations Subcommittee member day hearing is Tuesday, March 26, at 11 a.m. in 2358-A Rayburn.

Witnesses: Members of Congress.

Schedule: The House Appropriations subcommittee hearing on the Coast Guard budget is Tuesday, March 26, at 1 p.m. in 2358-A Rayburn.

Witness: Coast Guard Commandant Adm. Karl Schultz.

Schedule: The House Commerce, Justice and Science Appropriations Subcommittee member day hearing is Tuesday, March 26, at 2 p.m. in H-309 Capitol.

Witnesses: Members of Congress.

Schedule: The House Agriculture, Rural Development, and Food and Drug Administration Appropriations Subcommittee member day hearing is Tuesday, March 26, at 2:30 p.m. in 2362-A Rayburn.

Witnesses: Members of Congress.

Schedule: The House Appropriations subcommittee hearing on the State Department budget is Wednesday, March 27, at 9:30 a.m. in 2359 Rayburn.

Witness: Secretary of State Mike Pompeo.

Schedule: The House Appropriations subcommittee hearing on the Army Corps of Engineers and the Bureau of Reclamation budget is Wednesday, March 27, at 9:45 a.m. in 2362-B Rayburn.

Witnesses:

- R.D. James, assistant secretary of the Army for civil works.
- Lt. Gen. Todd Semonite, chief of engineers and commanding general, Army Corps of Engineers.
- Brenda Burman, commissioner, Bureau of Reclamation.
- Tim Petty, assistant Interior secretary for water and science.

Schedule: The House Budget Committee hearing on Defense spending is Wednesday, March 27, at 10 a.m. in 210 Cannon.

Witness: David Norquist, Defense undersecretary and comptroller.

Schedule: The House Natural Resources Committee hearing on the Interior budget is Wednesday, March 27, at 10 a.m. in 1324 Longworth.

Witnesses:

- Cameron.
- Denise Flanagan, director, Interior Department Office of Budget.
-

Schedule: The House Financial Services and General Government Appropriations Subcommittee public witness hearing is Wednesday, March 27, at 10 a.m. in 2326-B Rayburn.

Witnesses: TBA.

Schedule: The House Labor, Health and Human Services, and Education Appropriations Subcommittee member day hearing is Wednesday, March 27, at 10 a.m. in 2358-C Rayburn.

Witnesses: Members of Congress.

Schedule: The House Appropriations subcommittee hearing on the NOAA budget is Wednesday, March 27, at 10:15 a.m. in H-309 Capitol.

Witness: Neil Jacobs, acting administrator, NOAA.

Schedule: The House Appropriations subcommittee hearing on Agriculture relocations is Wednesday, March 27, at 11 a.m. in 2358-A Rayburn.

Witnesses:

- Catherine Woteki, former Agriculture undersecretary for research, education and economics.
- Katherine Smith Evans, former administrator, Agriculture Department's Economic Research Service.
- Gale Buchanan, former dean and director of the University of Georgia College of Agricultural and Environmental Sciences.
- John Lee, professor and department head emeritus, Mississippi State University Department of Agricultural Economics.

Schedule: The House Foreign Affairs Committee hearing on the State Department budget is Wednesday, March 27, at 1 p.m. in 2127 Rayburn.

Witness: Pompeo.

Schedule: The House Interior and Environment Appropriations Subcommittee member day hearing is Wednesday, March 27, at 1 p.m. in 2008 Rayburn.

Witnesses: Members of Congress.

Schedule: The House Appropriations subcommittee hearing on the NASA budget is Wednesday, March 27, at 2:30 p.m. in 2358-C Rayburn.

Witness: NASA Administrator James Bridenstine.

Schedule: The Senate Appropriations subcommittee hearing on the Defense budget is Wednesday, March 27, at 10 a.m. in 138 Dirksen.

Witnesses: TBA.

Schedule: The Senate Appropriations subcommittee hearing on the Transportation budget is Wednesday, March 27, at 10 a.m. in 192 Dirksen.

Witness: Transportation Secretary Elaine Chao.

Schedule: The Senate Appropriations Committee hearing on the Energy budget is Wednesday, March 27, at 2:30 p.m. in 138 Dirksen.

Witness: Perry.

Schedule: The Senate Budget Committee markup begins Wednesday, March 27, at 2:30 p.m. in 608 Dirksen.

Schedule: The House Appropriations subcommittee hearing on the Forest Service budget is Thursday, March 28, at 10 a.m. in 2008 Rayburn.

Witness: Forest Service Chief Vicki Christiansen.

Schedule: The House Armed Services Committee hearing on Defense technology and science budget is Thursday, March 28, at 10 a.m. in 2118 Rayburn.

Witnesses:

- Michael Griffin, Defense undersecretary for research and engineering.
- Bruce Jette, assistant secretary of the Army for acquisition, logistics and technology.
- James Geurts, assistant secretary of the Navy for research, development and acquisition.
- William Roper, assistant secretary of the Air Force for acquisition, technology and logistics.

Schedule: The Senate Appropriations Committee hearing on the Coast Guard budget is Thursday, March 28, at 10 a.m. in 192 Dirksen.

Witness: Schultz.

<https://www.eenews.net/eedaily/2019/03/25/stories/1060128127>

DOE science chief on Trump's budget, Green New Deal
Edward Klump, E&E News reporter



Paul Dabbar (left), the Department of Energy's undersecretary for science, led a discussion at CERAWeek by IHS Markit with Thomas Zacharia, director of the Oak Ridge National Laboratory; Brookhaven National Lab Director Doon Gibbs; and Brian Anderson of the National Energy Technology Library. @ScienceUnderSec/Twitter

Published: Monday, March 25, 2019

HOUSTON — As questions swirl about proposed budget cuts, the Department of Energy's undersecretary for science says the agency is positioned to retain a lead role in pushing the boundaries of technology.

Paul Dabbar was in Houston this month for CERAWeek by IHS Markit, a major energy conference where Energy Secretary Rick Perry and other government officials mingled with companies and foreign officials.

In an interview with E&E News, Dabbar emphasized energy technology improvements over the last decade, including a 90 percent drop in solar production costs, a 100 percent climb in wind capacity factors and a 70 percent plunge in oil and gas lifting costs.

"All that's been driven by American technology," he said.

Critics of the Trump administration say it's unlikely there will be similar cost drops without robust funding of DOE research. Others say the agency can make do with less and still lead the world in energy innovation.

Dabbar's comments came in the wake of a Trump administration proposal to reduce funding to the Office of Science, which helps oversee national labs, by about \$1 billion compared with current levels ([Energywire](#), March 19).

In Houston, Dabbar spoke about the Green New Deal, the fiscal 2020 budget, DOE research developments and artificial intelligence (AI).

I wanted to get your reaction on the budget proposal that would cut the Office of Science substantially. Does that mesh with the idea of energy dominance?

We're very proud of our success and our prospects. And I think the funding for this certainly allows for a lot of the prospects to continue moving forward, such as top AI supercomputers, quantum information science, standing up of the recycling battery system ... research at Argonne [National Laboratory]. All those are going to be funded.

But at the end of the day, we take direction from Congress. Congress is the appropriator. They will decide at the end of the day, and we will go execute.

Are you worried about the prospects for the Office of Science at this proposed funding level?

It's not very dissimilar from the last budget proposals that were submitted. And once again, you know, our purpose is to go execute on what gets funded at the end of the day.

You don't feel like it's a judgment on the work that you all are doing?

No. I mean, I think everyone's quite happy with the work that we're doing.

I think we have broad consensus of interest and support. We certainly saw that last year from Congress.

What are your thoughts on the Green New Deal?

I think there's a lot of people who work at the Department of Energy who are experts in wind and solar and in gas turbines.

I think I can say safely that we are at the cutting edge of technology development in the world on a broad range of energy topics. You know, I think some of the things that have been discussed about the pace of shifting [the] energy mix does not make technical sense.

If you think about capacity markets and ancillary services and how [regional transmission organizations] are set up and transmission and dispatch stack, the reality is, from a technical point of view, if you think about having electricity available 100 percent of the time, that's where our country is at, right?

If we're at 99.9 percent of the time, you know, people will have ... problems. I mean, this country's not made for having any problems with availability of electricity.

Right now, battery technology is only four hours. Gas turbines are permanent when you look at capacity or ancillary services if you get into the power markets.

So I think when people make proposals to say we could do "X" in "X" period of time, technically it's not achievable, right?

Tremendous progress is being made on new types of energy, lowering costs and lowering emissions. America is at the lead of these topics.

Do you think the idea of going off fossil fuels is not realistic?

We don't have the technology at this point in time to come off of those baseload, right? And to a very large degree, baseload comes from fossil fuel.

You're saying there's a ways to go?

We're very excited about what's happened in lowering costs and lowering emissions on fossil, on what we could do better and are doing better in terms of performance on solar, on perovskite crystals, on wind, on batteries. We think there's massive movements that are possible.

Could we accelerate? Of course we could accelerate. Those are all kind of decisions around where we put dollars and so on.

I think it's really important that people understand the power markets and technologies and [regional transmission organizations] and capacity requirements before they make very broad decisions and proposals.

We've been hearing a lot about electric vehicles and autonomous vehicles. What are your thoughts on those?

We support R&D across the board, including in electric vehicles.

There's a few core technologies for electric vehicles, one of which that we clearly touch on is on batteries. So the department complex is really the world's leader on next-generation chemistry technologies for batteries.

We do actually do work for optimizing current batteries, so many of the companies who we all know well in the EV space, we do work with.

If you look at their lithium-ion batteries and their performance levels, they haven't stopped, right?

If we could improve power-to-weight ratio, if we can improve cycle life by 300 percent, 500 percent for an EV battery system for a car, imagine, you know, if we can improve the range by that sort of [range]. I'm not saying we're going to do it, but those are the prospects, right, as we take a look at it.

If we could come up with a different battery technology chemistry in which the materials are cheaper, easier to access, more recyclable, we could drive down costs, so that if you're an EV manufacturer in the country, that you could actually make those products that perform better and that have a lower cost.

Is there any update on the ITER [International Thermonuclear Experimental Reactor] fusion project in France?

There's kind of three legs of what we've been looking at, you know, for the Office of Fusion [Energy Sciences]. We got higher funding last year than we've had in a while.

First of all, we're going to continue to fund the existing facilities that we have.

Secondly, there's areas of research that had not been moved forward on materials and others, and we're looking at jumping back in and pushing.

But the third area that I'm actually and the secretary's particularly excited about is that the U.S. has the leading private-sector fusion group in the world. And if you look at the amount of money raised and the energy — no pun intended — in the private fusion sector, the U.S. leads the world.

Several private companies are looking to build their first private power prototypes in fusion.

How do we support the most dynamic and well-funded and excited private fusion sector?

Is ITER just continuing on?

It's just continuing, yeah. There's two stages to ITER.

The first plasma, which is what they're working on, which is get the facility up and running with plasma, is kind of in the 2025 time frame.

Is it related to the nuclear review being discussed by the Trump administration?

There's a nuclear review, and there's also a review being looked at around ITER and ITER commitments, and that's still being worked through. But, you know, as of right now, we're executing on the last budget and what we've been doing for the last few years, which is continuing to support ITER and our international partners.

I know there is talk about AI. Is there a focus point while you're here?

It's certainly a focus point of the department overall and for us to communicate, you know, with the industry about what we're doing.

[DOE] has the No. 1 AI supercomputer and set of supercomputers in the world, right? It's not at an IT company in Silicon Valley. It's not overseas in another country. It's in the United States, and it's at the DOE national labs.

But it's not just about the hardware, right? The real amazing part of the national lab complex is team-based science.

So for AI, in order for it to be successful, you need three things.

You need to have the hardware, which we obviously have the top in the world, [and] algorithm developers who know how to build operating systems and to actually be able to develop AI.

And you need subject matter experts in a particular topic, right?

And so artificial intelligence has applications across sectors — oil and gas, power?

Yeah, absolutely.

If you look at energy management, it's clearly ripe for AI and machine learning applications.

You walk into a typical building, like the building that we're sitting in here today, the odds are no one's actually managing when to turn on and off the lights, when to tweak the air conditioning or the heating.

Building an AI algorithm — what would be called the simple AI algorithm, i.e., a single-purpose AI algorithm — for energy building management for this building or any other building to reduce costs and to, you know, to improve efficiency ... is obvious, right?

That is a great example in which hopefully, in the not-so-distant future, energy service providers will work with the sort of basic research that we're doing.

<https://www.eenews.net/energywire/2019/03/25/stories/1060128129>

CHEMICAL WATCH ARTICLES

California sets Prop 65 safe harbour level for n-hexane

25 March 2019 / Prop 65, United States

California's Office of Environmental Health Hazard Assessment (Oehha) has finalised Proposition 65 maximum allowable dose levels (MADLs) for oral and inhalation exposures to n-hexane.

An MADL represents a safe harbour exposure limit below which a company is not required to provide a Prop 65 warning.

The MADLs for n-hexane, which take effect from 1 July, have been set at:

- 28,000 micrograms per day for oral exposure; and
- 20,000 micrograms per day for inhalation exposure.

The substance is used a degreaser, solvent component and low-temperature thermometer filling. It was listed as a reproductive toxicant under Prop 65 in December 2017.

Meanwhile, Oehha has also approved amendments to regulations around how 'clear and reasonable' warning can be provided at residential rental properties.

And last month, it released a fact sheet with information on the flame retardant tetrabromobisphenol A (TBBPA).

It joins more than 50 fact sheets available on a state-run informational site about Prop 65.

Further Information:

- [MADLs](#)
- [Rental property warnings](#)
- [TBBPA fact sheet](#)
- [Prop 65 warnings webpage](#)

Spanish industry told to brace itself for no-deal Brexit

More than 400 chemicals companies export regularly to the UK

25 March 2019 / Brexit, REACH, Spain



Government officials in Spain have warned the country's chemicals industry to be prepared to make "the most difficult changes" if the UK leaves the EU without a trade agreement.

The message was delivered by William Kessler, deputy director of international trade at the Spanish Ministry of Industry, Trade and Tourism, during a Brexit conference in Madrid on 13 March. It was organised by Spanish industry association Feique and the country's Institute for Foreign Trade.

The UK is Spain's seventh biggest trading partner, with the chemical sector representing 10% of all Spanish exports to the UK. More than 400 chemical companies regularly export to the UK, according to Feique.

In a no-deal Brexit scenario, they would need to register with UK REACH – legislation mirroring EU rules set to be activated on departure day. This requires chemicals placed on the UK market to be registered again with full data sets submitted within two years.

Mr Kessler stressed the importance of "anticipating the new situation by drawing up contingency plans".

Feique says Spanish companies are asking their UK suppliers if they will transfer their REACH registrations to EU27 entities. "If the answer is negative, they are looking for another supplier or preparing the registration as importer," a spokesperson told Chemical Watch.

"We have to wait for events in the following days, but sooner or later the UK will become a third country," they said. "We are hoping for the best but preparing for the worst."

Echa's has opened a Brexit window to enable UK companies to transfer their REACH registrations to EU-based entities. If an only representative (OR) is not appointed, the EU27/EEA importers will have to submit their own registrations.

Information on how many UK suppliers have transferred registrations to Spanish legal entities is not available, Feique says, noting that some of the transfers will not be implemented until exit day.

'Brexit corner'

Feique has set up a 'Brexit corner' on its website which offers links to the EU Commission, as well as UK and Spanish authorities. It also has guidelines in Spanish on how companies can prepare for Brexit.

The trade body is telling companies to make provisions for an increase in the administrative burden, not only for registrations but also for trade operations.

There may be disruption to the supply chains, it says, and added that it would help if operators put in place "past solutions for stress situations" they may have deployed during mergers or last-minute non-registration of the supplier.

Feique CEO Juan Antonio Labat told the conference that Spanish chemical companies were "already prepared" for the commercial scenario that may arise.

UK chemical exports to Spain totalled nearly €2.2m last year. Spain shipped nearly €1.8m to the UK, made up largely of basic chemicals such as plastics, pharmaceuticals, cosmetics, paints and cleaning products.

Meanwhile, Britain is facing a deluge of first-time registrants in a no-deal Brexit, with potentially thousands of downstream users becoming importers with registration responsibility under the draft REACH statutory instrument (SI).

The British Association for Chemical Specialities (Bacs) and the Chemicals Business Association (CBA) have backed a motion by a member of the House of Lords objecting to the UK government's draft SI. The House is expected to discuss the motion on 26 March.



Clelia Oziel
Europe correspondent

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- Government publishes draft UK REACH statutory instrument
- Lord tables motion opposing UK draft REACH statutory instrument
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- **Further Information:**

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- Press release (in Spanish)
- Feique Brexit corner

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